

REMARKS

Reconsideration of this application is requested. Claims 33-60 are now active in the application. Response is made below to the issues raised in the Official Action in the order presented.

1-2. Non-elected claims 26-32 have been canceled without prejudice to divisional patent applications directed to the subject matter of these claims.

3. The claims are amended to be more specific, particularly with regard to group D and the structure of Formula I.

4. The appropriate reference is included in the specification using the language suggested by the examiner.

5. A new title is supplied

6. An Abstract consistent with that used in the PCT application has been supplied.

7. It is not clear to counsel what foreign applications or patents the Examiner refers to.

The present specification contains no Japanese patent/application number. Page 28, lines 10-12 of the specification refers to three published International patent applications (PCT), which however do not describe essential material of the claimed invention.

8. A substitute specification is attached.

9. The "prevention" aspect in the replacement for claim 19 has been deleted. The other claims in this rejection, that is claims 18 and 20-24 and the treatment aspect of claim 19, are believed to be acceptable according to current practice and fully enabled by applicants' description of their invention.

10. The claims have been amended, discussed in more detail below, to agree with the enabling subject matter on which they are based.

11 (a). The term "lipophilic" has been accepted by U.S. Patent and Trademark Office. See the comments on Paragraph 12 a) below. Since "lipophilic" in the definition of A in Claim 1 is accepted, more specific definition of "A¹-M¹" in Claim 2 should also be accepted.

11 (b). The examiner states that the claim language indicates that "aryl" includes phenyl, naphthyl as well as hetero rings which are neither supported nor contemplated. It is not clear to applicants how the claim language causes concern. The term "aryl" only appears in Claims 3 and 6. There is no description for hetero ring as such "aryl" in the specification and the term would not be read to include same.

12 (a). The term "lipophilic" has been accepted by U.S. Patent and Trademark Office. Please see claim 1 of U.S. Patent No. 6,001,999 and claim 1 of U.S. Patent No. 6,013,633; copies of these patents are attached.

12 (b-d,h,q,af). The term "substituted" has also been accepted by U.S. Patent and Trademark Office. Please refer to claims 2, 4 and 8 of U.S. Patent No. 6,323,255, which is attached. Applicants submit their claims are similarly entitled to use these terms.

12 (e, g, i,o,p,r,t,x-z,ab-ae,ag,-ah,al). The claims have been amended to resolve the examiner's concerns.

12 (f). No change to "and/or" is needed. M¹ may be alkylene which is substituted by two or more of halogen, hydroxy, (C₁-C₅)alkyl and (C₁-C₅)alkoxy.

12 (j and n). Again, no amendment of "and/or" is needed. A⁴ may be substituted by two or more of the listed groups.

12 (k and l). The dependencies have been adjusted.

12 (m). A⁴ is believed to be clearly defined in Claim 36. It is not clear what change is needed, if any.

12 (s). "Indolylalkyl and quinolylalkyl" are examples of "substituted alkyl" in Claim 39.

12 (v). The definition of R² and R³ can be taken together to form alkylene is reasonable. R² and R³ can be taken together with the nitrogen atom to form a heterocycle. The case is the same as Paragraph 12 w). Claim 8 was merged into new Claim 33.

12 (aa). The expression "alkylene or heterocycle" was changed to read -alkylene which may have a hetero atom--, which was merged into Claim 33. Each of R⁵-R⁸ may have a hetero atom and accordingly R⁵ and R⁷ or R⁶ and R⁸ can be taken together to form alkylene having a hetero atom.

12 (aj). The expression "said growth hormone" in Claims 17 and 21 refer to "growth hormone" appearing in the first sentence of these claims, respectively.

12 (ak). The expression "such as AIDS or cancer" is deleted from Claim 20 as the examiner suggested.

13 and 14. With the restriction of D the amended/new claims clearly distinguish formula I from the compounds disclosed in these references.

15 and 16. None of the cited references disclose or suggest the specific structure of Formula I in Claim 33, particularly D in Formula I. A person skilled in the art reviewing the cited references could not readily reach the structure of Formula I and predict that the compounds of Formula I have the superior properties.

17. Claims 11-14 are cancelled.

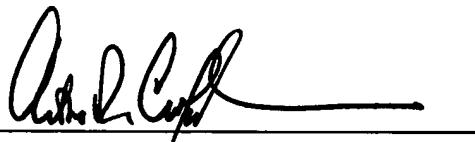
Applicants have made significant changes to the claims to address the examiner's clarity and enablement concerns and to resolve the art-based rejections by focusing on elected subject matter of particular interest. Favorable consideration is requested.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page(s) is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Page 1, the title:

N-ACYLATED LIPOPHILIC AMINO ACID DERIVATIVES~~NOVEL AMIDE~~
~~DERIVATIVES~~

ABSTRACT OF THE INVENTION

Compounds of structural Formula (I) where A is a lipophilic group including an aliphatic bridging group, B is a lipophilic group, D is a group having at least one amino or substituted amino group and R is hydrogen, alkyl or cycloalkyl, and pharmaceutically acceptable salts and individual isomers thereof, which have growth hormone releasing activity in humans or animals.

